

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN SENATE JUNE 21, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1056

Introduced by Assembly Members Leno and Huffman

February 23, 2007

An act to amend Sections 35515, 35615, and 35625 of, *and to repeal and add Section 35605 of*, the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1056, as amended, Leno. California Ocean Protection Act.

~~The~~

(1) *The California Ocean Protection Act establishes the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, ~~and~~ the Chair of the State Lands Commission, and 2 public members. The executive officer of the State Coastal Conservancy acts as secretary to the council, and the Secretary of the Resources Agency is the chair of the council.*

Under existing law, the council coordinates activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to, among other things, establish policies to coordinate

the collection and sharing of scientific data between agencies related to coastal and ocean resources.

This bill would repeal the requirement that the Secretary of the Resources Agency act as chair of the council, and instead would require the council, at its first meeting in a calendar year, to elect a chair from among its voting members.

This bill would require the council to establish a science advisory team of distinguished scientists to assist it in meeting the purposes of the act. At the request of the council, the science advisory team may convene to, among other things, review and evaluate results of research or investigations to provide information for the council's activities. The bill would require that the science advisory team include scientists from a range of disciplines in the council's purview and would require that the science advisory team provide an independent and timely analysis of reports and studies in a specified manner. The bill would also require the council to contract with the California Ocean Science Trust and other nonprofit organizations, ocean science institutes, academic institutions, or others that have experience in conducting the scientific and educational tasks that are required by the council. The bill would revise legislative findings regarding the council.

~~Under~~

(2) *Under* existing law, the Legislature may appropriate funds directly to the State Coastal Conservancy for expenditures authorized by the council.

This bill would provide that if an expenditure has been approved by the council, approval of the State Coastal Conservancy is not required, except in the case of block grants provided by the council to be administered by the State Coastal Conservancy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35515 of the Public Resources Code is
- 2 amended to read:
- 3 35515. The Legislature finds and declares that the purpose of
- 4 this division is to integrate and coordinate the state's laws and
- 5 institutions responsible for protecting and conserving ocean
- 6 resources, including coastal waters and ocean ecosystems, to
- 7 accomplish all of the following objectives:

1 (a) Provide a set of guiding principles for all state agencies to
2 follow, consistent with existing law, in protecting the state's coastal
3 and ocean resources.

4 (b) Encourage cooperative management with federal agencies,
5 to protect and conserve representative coastal and ocean habitats
6 and the ecological processes that support those habitats.

7 (c) Improve coordination and management of state efforts to
8 protect and conserve the ocean by establishing a cabinet level
9 oversight body responsible for identifying more efficient methods
10 of protecting the ocean at less cost to taxpayers.

11 (d) Use California's private and charitable resources more
12 effectively in developing ocean protection and conservation
13 strategies.

14 (e) Provide for public access to the ocean and ocean resources,
15 including to marine protected areas, for recreational use, and
16 aesthetic, educational, and scientific purposes, consistent with the
17 sustainable long-term conservation of those resources.

18 (f) Identify scientific research and planning that is useful for
19 the protection and conservation of coastal waters and ocean
20 ecosystems, and coordinate and assist state agencies in addressing
21 those needs.

22 ~~(g) Provide guidance to state and local agencies on water quality~~
23 ~~issues and priorities necessary to protect coastal waters and ocean~~
24 ~~ecosystems.~~

25 *SEC. 2. Section 35605 of the Public Resources Code is*
26 *repealed.*

27 ~~35605. The Secretary of the Resources Agency is the chair of~~
28 ~~the council.~~

29 *SEC. 3. Section 35605 is added to the Public Resources Code,*
30 *to read:*

31 *35605. At the council's first meeting in a calendar year, the*
32 *council shall elect a chair from among its voting members.*

33 ~~SEC. 2.~~

34 *SEC. 4. Section 35615 of the Public Resources Code is*
35 *amended to read:*

36 *35615. The council shall do all of the following:*

37 (a) (1) Coordinate activities of state agencies, that are related
38 to the protection and conservation of coastal waters and ocean
39 ecosystems, to improve the effectiveness of state efforts to protect

1 ocean resources within existing fiscal limitations, consistent with
2 Sections 35510 and 35515.

3 (2) Establish policies to coordinate the collection, evaluation,
4 and sharing of scientific data related to coastal and ocean resources
5 among agencies.

6 (3) (A) Establish a science advisory team of distinguished
7 scientists to assist the council in meeting the purposes of this
8 division. At the request of the council, the science advisory team
9 may convene to identify, develop, and prioritize subjects and
10 questions for research or investigation, and review and evaluate
11 results of research or investigations to provide information for
12 the council's activities.

13 (B) The science advisory team shall include scientists from a
14 range of disciplines that are a part of the council's purview.

15 (C) The science advisory team shall provide an independent
16 and timely analysis of reports and studies, identifying areas of
17 scientific consensus or uncertainty, using the best available
18 science by drawing on state, national, and international experts.

19 (D) Scientists selected as members of the science advisory team
20 shall serve without compensation, except for reimbursement of
21 expenses and subject to the terms of an existing contract with the
22 state.

23 (4) Contract with the California Ocean Science Trust and other
24 nonprofit organizations, ocean science institutes, academic
25 institutions, or others that have experience in conducting the
26 scientific and educational tasks that are required by the council.

27 (5) Transmit the results of research and investigations to state
28 agencies to provide information for policy decisions.

29 (6) Identify and recommend to the Legislature changes in law
30 needed to achieve the goals of this section.

31 (b) (1) Identify changes in federal law and policy necessary to
32 achieve the goals of this division and to improve protection,
33 conservation, and restoration of ocean ecosystems in federal and
34 state waters off the state's coast.

35 (2) Recommend to the Governor and the Legislature actions the
36 state should take to encourage those changes in federal law and
37 policy.

38 ~~SEC. 3.~~

39 *SEC. 5.* Section 35625 of the Public Resources Code is
40 amended to read:

1 35625. (a) Under the direction of the Secretary of the
2 Resources Agency, the executive officer of the State Coastal
3 Conservancy shall act as secretary to the council, administer its
4 affairs, and provide the staff services that the council needs to
5 carry out this division, including, but not limited to, both of the
6 following:

7 (1) Administering grants and expenditures authorized by the
8 council from the fund or other sources, including, but not limited
9 to, block grants from other state boards, commissions, or
10 departments.

11 (2) Arranging meetings, agendas, and other administrative
12 functions in support of the council.

13 (b) The Legislature may make appropriations to be used for the
14 purposes of this division directly to the State Coastal Conservancy,
15 for expenditures authorized by the council. If an expenditure has
16 been approved by the council for the purposes of this division,
17 approval of the State Coastal Conservancy is not required, except
18 in the case of block grants provided by the council to be
19 administered by the State Coastal Conservancy.